

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WONNELL RINGGOLD,)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 06-368-SLR
)	
CORRECTIONS OFFICER LAMBY,)	
)	
Defendant.)	

ORDER

WHEREAS, plaintiff filed a civil rights action pursuant to 42 U.S.C. § 1983 without prepayment of the filing fee;

WHEREAS, on September 26, 2006, the court entered an order for plaintiff to provide to the court, within thirty days from the date of the order, an account statement from the Inmate Account Technician at the Central Violations Center where he was housed (D.I. 9);

WHEREAS, on December 11, 2006, the court entered an order dismissing the complaint for failure to submit the required account statement (D.I. 10);

WHEREAS, on January 10, 2007, plaintiff filed a letter/ motion for reconsideration indicating that he thought the prison had taken care of the matter, that he had moved and asking that the case be reopened (D.I. 11);

WHEREAS, it appears that plaintiff has been released from prison;

WHEREAS, to date plaintiff has not paid the initial partial

filing fee of \$11.14;

WHEREAS, under the Prison Litigation Reform Act, release does not eliminate the obligation of payment of a filing fee that could and should have been met from the trust account while imprisonment continued. Robbins v. Switzer, 104 F.3d 895, 899 (7th Cir. 1997); see also Drayer v. Attorney General, Nos. 03-2517, 03-2518, 81 Fed.Appx. 429 (3d. Cir. 2003).

THEREFORE, at Wilmington this 11th day of January, 2007,
IT IS HEREBY ORDERED that

1. The letter/motion for reconsideration (D.I. 11) is granted.
2. The clerk of the court shall reopen this action.
3. Within thirty days from the date of this order, plaintiff shall either pay the filing fee (\$350) **or** submit a new standard form application to proceed without prepayment of fees and affidavit so the court may determine whether he is still eligible to proceed in forma pauperis.

NOTE: Failure to timely comply with this order shall result in dismissal of this case without prejudice.


United States District Judge